



## COUNCIL MINUTES

June 6, 2005

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 6, 2005 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Keno Hawker  
Rex Griswold  
Kyle Jones  
Tom Rawles  
Janie Thom  
Claudia Walters  
Mike Whalen

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by President Terry D. Turk, The Church of Jesus Christ of Latter-Day Saints.

Pledge of Allegiance led by Ethan Jones, Boy Scout Troop No. 159.

Mayor's Welcome.

Mayor Hawker welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Mayor Hawker extended the Council's condolences to City Manager Mike Hutchinson on the passing of his mother, Mary Hutchinson.

Recognition of Outgoing Board and Committee Members.

Vice Mayor Walters expressed appreciation for the efforts of the citizens who served on the City's advisory boards and committees. Mayor Hawker presented plaques to the individuals who were completing terms of service.

Presentation of a plaque to Barry Landon of Southwest Ambulance for his work with the Sister Cities Association of Mesa.

Jack Sellers, President of the Mesa Sister Cities Association, recognized Barry Landon as the Association's "Outstanding Corporate Citizen." He expressed appreciation for Mr. Landon's hard work and efforts including, but not limited to, donating ambulances to Caraz, Peru and Guaymas, Mexico, personally visiting the areas and working with Mesa's Sister Cities delegations.

Don Strauch, a former Mesa Mayor, stated that in addition to Mr. Landon's generosity to Mesa's Sister Cities throughout the world, he has also recently contributed \$10,000 to the Mesa Southwest Museum for the construction of an exhibit that will overlook the Mesa Grande Ruins.

Mayor Hawker presented the plaque to Mr. Landon.

1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (\*) were approved with one Council action.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the consent agenda items be approved.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes from the March 31, April 4, May 2, 5, 12, 16, 25, and June 2, 2005 Council meetings.

3. Conduct a public hearing on the Power Road Scalloped Street Assessment Project #00-43.1. This project installed street improvements along North Power Road from East Adobe Road to McKellips Road.

Mayor Hawker announced that this is the time and place for a public hearing regarding the Power Road Scalloped Street Assessment Project #00-43.1.

Teri Palmberg, a property owner in the area, voiced concerns that the assessment, which was initially estimated at \$24,000, has now increased to approximately \$39,000. She requested that the Council delay action on this item until such time as she has an opportunity to confer with staff regarding the matter.

Development Services Manager Jack Friedline indicated that he was unaware of the issues outlined by Ms. Palmberg and stated that staff would be amenable to a continuation of this item.

There being no further citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Conduct a public hearing and consider an amendment to the land use map for the following Minor General Plan Amendment and possible adoption of the corresponding resolution:

- 4a. **GPMinor05-02 (District 6)** The 8400 block of East Broadway Road (south side). Located south of Broadway Road and west of Ellsworth Road at the southeast corner of Broadway and Hawes Roads (9.5 ac). Minor General Plan Amendment to change the General Plan Land Use Map from Neighborhood Commercial (NC) to Medium Density Residential 6-10 dwelling units per acre (MDR 6-10). Mount Baldy Limited Partnership, owner; Christopher Lindahl, applicant – Resolution No. 8497.

P&Z Recommendation: Approval. (Vote: 4-1-1-1(Saemisch abstaining, Mizner voting nay, Esparza absent))

Mayor Hawker announced that this is the time and place for a public hearing regarding an amendment to the land use map for the above-referenced Minor General Plan Amendment and possible adoption of the corresponding resolution.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

It was moved by Councilmember Jones, seconded by Councilmember Thom, that **GPMInor05-02** be approved and Resolution No. 8497 adopted.

Carried unanimously.

5. Conduct a public hearing on the proposed Fiscal Year 2005-06 Budget Plan.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Fiscal Year 2005-06 Budget Plan.

In response to a request from Mayor Hawker, Budget Director Jamie Warner provided a brief overview of the proposed Fiscal Year 2005-06 budget for the benefit of the viewing audience and those citizens present in the Council Chambers.

Sheila Mitton, 1615 W. Pueblo Avenue, urged that the Council implement additional spending cuts and weigh every City program on its own merits. She also requested that Councilmember Rawles, who represents her district, reconsider his position on after-school programs that, in her opinion, are crime prevention tools and investments in public safety.

Jim Cavender, P.O. Box 31843, concurred with the previous speaker's comments that additional cost cutting measures should be implemented. He also urged the Council not to raise revenues, including utility rates, and suggested that they give serious consideration to selling Mesa's utilities.

There being no further citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

6. Consider tentative adoption of the proposed Fiscal Year 2005-06 Budget Plan.

In response to a question from Mayor Hawker, City Attorney Debbie Spinner clarified that per State law, the Council is considering adopting the tentative budget that would set the maximum amount that the City could spend in the next fiscal year. She explained that at the June 20, 2005 Regular Council meeting, the final budget would be presented to the Council for adoption and stated that the City Manager could make adjustments to spend less than that amount, but not more without seeking Council approval.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that the tentative adoption of the proposed Fiscal Year 2005-06 Budget Plan be approved.

Councilmember Griswold expressed support for the motion.

Vice Mayor Walters stated that Mesa residents could question the manner in which the City is cutting costs when, in fact, the proposed budget has risen 8.1% over last year's. She explained that there are many factors over which the City has no control such as increased Arizona State Retirement System contributions, new utility plants coming online to accommodate Mesa's burgeoning growth, and also increased health care costs for employees. She assured citizens that staff/Council have made significant cuts in spending that will be reflected in the elimination of various City services, but not necessarily in the budget itself.

Councilmember Jones concurred with Vice Mayor Walters' comments and added that the number of employees who provide essential City services is decreasing despite the fact that Mesa continues to grow by tens of thousands of citizens annually.

Councilmember Rawles expressed opposition to the proposed budget plan and voiced a series of reasons for doing so. His comments included, but are not limited to, the following: that during the budget hearing process, there were "relatively feeble and fainted-hearted attempts" to cut spending; that he cannot support a budget in difficult economic times that contains a \$9.9 million general fund subsidy for arts and culture, over \$4.2 million for economic development that serves only the downtown area, \$3.5 million for "coerced" charity and neighborhood outreach, more than \$2 million of inappropriate and nonessential functions of government, a \$14 million general fund subsidy for mass transit, which includes the light rail transit project; and that he would not support tax and/or utility rate increases to sustain said budget.

Councilmember Thom said that although she concurs with many of Councilmember Rawles' comments, she would support the motion because the Council is only "setting the cap" that the City could spend in the next fiscal year. She noted, however, that she would not support the final adoption of the budget on June 20, 2005 and also stated that it makes no sense to her to increase utility rates in order to balance a budget over which "very little effort has been made to make any meaningful cuts in spending." Councilmember Thom added that in particular, she would like to see significant spending cuts in the area of light rail.

Mayor Hawker provided a brief overview of Mesa's current and future financial challenges. He discussed the necessity for the City to implement long-term financial projections to determine if, in fact, Mesa residents' visions for the City at build-out (through the passage of the General Plan amendments in 2002) are possible to achieve. Mayor Hawker stressed that balancing this budget would not solve Mesa's problems in fiscal year 2007/08 and stated that the City will be asking its citizens to decide whether they want drastic cuts in services or would be agreeable to, for example, an extension of the half-cent sales tax or the implementation of some other funding source. He added that he would support the motion, but also looks forward to an ongoing dialogue with Mesa residents concerning the type of community in which they wish to live at build-out.

Vice Mayor Walters respectfully disagreed with Councilmember Rawles' comments and stated that it is important that the Council not send a message to Mesa residents that the City he envisions, which would provide only limited services, would not impact their lives, including property values.

Councilmember Jones, Chairman of the Financing the Future Citizen Committee, noted that for over a year, his committee has examined all aspect of City government and said that the community Councilmember Rawles is describing, which only provides basic government services, is not the one in which he grew up or would care to remain. He concurred with Mayor Hawker that it will ultimately be the decision of Mesa residents what kind of community they want and for what services they are willing to pay. Councilmember Jones urged anyone who may have suggestions regarding spending cuts to contact him or any of his fellow Councilmembers.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters-Whalen  
NAYS - Rawles

Mayor Hawker declared the motion carried by majority vote.

7. Consider the following liquor license applications:

\*7a. KIT A. MCCORMICK, CHAIRPERSON

Special Event License application for Kit A. McCormick, Chairperson, Fountain of the Sun, a one-day charitable event to be held on Saturday, November, 26, 2005 from 5:00 p.m. to 11:00 p.m. at 8001 East Broadway Road. District #6.

\*7b. KIT A. MCCORMICK, CHAIRPERSON

Special Event License application for Kit A. McCormick, Chairperson, Fountain of the Sun, a one-day charitable event to be held on Saturday, January 7, 2006 from 5:00 p.m. to 11:00 p.m. at 8001 East Broadway Road. District #6.

\*7c. KIT A. MCCORMICK, CHAIRPERSON

Special Event License application for Kit A. McCormick, Chairperson, Fountain of the Sun, a one-day charitable event to be held on Saturday, November, 18, 2006 from 5:00 p.m. to 11:00 p.m. at 8001 East Broadway Road. District #6.

\*7d. PETER A. ELIAS, AGENT

New Hotel/Motel License for Holiday Inn Hotel, 1600 South Country Club Drive. This is an existing business. The license previously held at this location by Patricia Martin, Agent, Sunstone Hotel Properties, Inc. of Colorado, will revert back to the State. District #3.

8. Consider the following contracts:

\*8a. Additional Purchase of BioRobot for the Crime Laboratory DNA/Serology Unit as requested by the Police Department. (Contract 2004186) (Sole Source)

The Purchasing Division recommends authorizing an additional purchase option with the original bidder, Qiagen, Inc., at \$30,660.96, including applicable sales tax.

- \*8b. Three-year supply contract for Fire Protective Clothing as requested by the Fire Department. (Contract 2005113)

The Purchasing Division recommends accepting the low bid meeting specification, including advanced cleaning and inspection service, by United Fire Equipment, at \$327,986.81, based on estimated annual requirements.

- \*8c. Second and Final One-year Renewal Option of the Supply Contracts for Printed and Audio Library Books as requested by the Mesa Public Library. (Contract 2002143)

The Purchasing Division recommends exercising the one-year renewal as follows:

Baker and Taylor, Inc. – Primary supplier for audio and printed books, for annual purchases estimated at \$770,000.00.

Recorded Books – Secondary supplier for audio books only, for annual purchases estimated at \$33,000.00.

The combined award is then \$803,000.00 based on estimated annual purchases.

Both vendors have agreed to renew at the same discounted prices provided two years ago.

- \*8d. Second and Final One-year Renewal Option of the Supply Contracts for Children's Prebound Books and Mass-market Paperback Books, as requested by the Mesa Public Library. (Contract 2002141)

The Purchasing Division recommends exercising the one-year renewal as a dual award:

Book Wholesalers, Inc. for annual purchases estimated at \$33,000.00

Permabound for annual purchases estimated at \$33,000.00.

The combined award is then \$66,000.00 based on estimated annual purchases.

Book Wholesalers, Inc. and Permabound both agreed to renew at the same discount structure, terms and conditions as in their original proposal.

- 8e. Second and Final One-year Renewal Option of the Supply Contract for Library Reference Books, as requested by the Mesa Public Library. (Contract 2002139)

The Purchasing Division recommends exercising a one-year renewal with Thomson Gale, formerly Gale Group, for annual purchases estimated at \$38,500.00, including contingencies. Also, exercising a one-year renewal with Ingram Library Services, as a secondary contract, for annual purchases estimated at \$13,750.00, including contingencies. The combined award is then \$52,250.00.

Mayor Hawker stated that Councilmember Griswold requested that this item be removed from the consent agenda.

Councilmember Griswold stated that in light of the fact the Council is considering a reduction in hours at the City's three libraries, he cannot support this contract. He commented that in his opinion, some of the reference materials would probably be outdated as soon as they are published and suggested that the Internet might be a better venue by which to obtain reference material updates.

In response to a question from Vice Mayor Walters, Library Director Trish Sorensen clarified that the requested materials are necessary for those students and individuals who have nowhere else to go but the library in order to obtain such information. She also stated that the \$52,000 contract award is a small item out of the Library's almost \$11 million budget, and added that the reference materials do serve the needs of the community.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Rawles-Thom-Walters-Whalen  
NAYS - Griswold

Mayor Hawker declared the motion carried by majority vote.

- \*8f. Computer Hardware as requested by the Information Services Division. (State Contract #AD990005-005)

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with CLH International, Inc. for a total of \$27,559.01, including applicable sales tax.

The six notebooks purchased will be used in the Street Light Repair section of the Transportation Division.

- \*8g. Additional Purchase of three Control and Relay Panels as requested by the Utilities Department Electric Division. (Contract 2004184)

The Purchasing Division recommends authorizing an additional purchase option with the original bidder, Electrical Power Products, at \$66,671.81, including extended warranty and applicable sales tax.

This equipment will be used to complete the Fraser Substation upgrade.

- \*8h. Four Replacement Vehicles as requested by the Water Utility Division Water Supply, Gas Utility Division Gas Distribution, and the Transportation Division Field Operations. (State Contract AD 040004)

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$83,892.10.

- \*8i. 4" Coated Steel Gas Pipe as requested by the Gas Utility Division Gas Distribution. (Contract 2005139)

The Purchasing Division recommends accepting the low bid by Wilson Supply, at \$45,549.30. This purchase is exempt from sales/use tax.

- \*8j. Three-year Contract for Landscape Maintenance Services for Sections I, II and V for Medians and Right-of-way Areas, as requested by the Transportation Division Field Operations. (Contracts 2005132, 2005133, 2005134) Districts 1, 2, 3 & 4.

The Purchasing Division recommends accepting the following low bids:

Bowen's Horticulture Services, Inc. for Sections I and II, at \$461,057.29

The Groundskeeper for Section V, at \$152,366.00

The combined award is then \$613,423.29, based on estimated annual requirements.

- 8k. Three-year Supply Contract for Chip Seal Aggregate for Low Volume Roads as requested by the Transportation Division Field Operations. (Contract 2005136)

The Purchasing Division recommends accepting the low bid by Mesa Materials at \$110,914.41, based on estimated annual requirements.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Jones, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen

NAYS - None

ABSTAIN - Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- \*8l. Three-year Supply Contract for Intelligent Transportation Systems (ITS) Field Network Equipment as requested by the Transportation Division Traffic Engineering.

The Purchasing Division recommends accepting the following low bids meeting specification:

Bid# 2005135:

GDI Communications \$36,421.44, including applicable taxes; RuggedCom, Inc. \$170,385.60, including applicable taxes

Arizona State Contract:

Copperstate Technologies (T0459A0083) \$38,591.70, including applicable taxes.

Transource Computers (AD99005-006) \$60,241.97, including applicable taxes.

The combined award is then \$305,640.71, including applicable taxes.

- 8m. Sound Monitor System as requested by the Community Services Department, Mesa Arts Center (Contract 2005126)

The Purchasing Division recommends accepting the low bid submitted by Ken's Pro Sound at \$218,945.91, including applicable taxes.

Mayor Hawker stated that Councilmember Rawles requested that this item be removed from the consent agenda.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the recommendations of staff be approved.

Vice Mayor Walters commented that the funding for this item, which is derived from Quality of Life sales tax and not the City's general fund, can only be applied to certain uses, of which the above-referenced contract is an appropriate use.

Councilmember Rawles stated that he would oppose the motion just to remain consistent with his previous voting record regarding all Mesa Arts Center-related matters.

Councilmember Thom noted that although she was originally opposed to the Mesa Arts Center, the construction of the facility has now been completed and said that it is important that the facility have the necessary equipment to ensure its successful operation.

Councilmember Jones clarified that the capital portion of the Quality of Life sales tax dollars funds the Mesa Arts Center and noted that the remainder of those monies is used to fund the hiring of police officers and firefighters.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters-Whalen  
NAYS - Rawles

Mayor Hawker declared the motion carried by majority vote.

- 8n. Sunshine Acres Force Main Renovations, City of Mesa Project No. 02-413-002.

This project will install two new sewer force mains from a new lift station to the City gravity sewer just north of McDowell Road on Higley Road.

Recommend award to low bidder B&F Contracting, Inc., in the amount of \$146,160.00 plus an additional \$14,616.00 (10% allowance for change orders) for a total award of \$160,776.00.

Mayor Hawker declared potential conflicts of interest on items 8n, 8p, 8q and 8r and said he would refrain from discussion/participation in these agenda items. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Jones, seconded by Councilmember Thom, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

- \*8o. East Mesa Sewer Interceptor – Phase III, Germann Road to Williams Field Road, City of Mesa Project No. 01-671-002.

This project will construct a section of the wastewater line known as the East Mesa Interceptor (EMI) from Germann Road to Williams Field Road along the East Maricopa Floodway. Improvements include the installation of 13,400 lineal feet of 66-inch gravity sewer line.

Recommend award to low bidder Achen-Gardner Engineering, LLC, in the amount of \$7,898,925.00 plus an additional \$789,892.50 (10% allowance for change orders) for a total award of \$8,688,817.50.

- 8p. East Mesa Sewer Interceptor – Phase VI, Ellsworth Road, Elliot Road to Baseline Road, City of Mesa Project No. 01-671-005.

This project will construct a section of the wastewater line known as the East Mesa Interceptor (EMI) from Baseline Road south along Ellsworth Road to Elliot Road, then west from Ellsworth Road along Elliot Road to the San Tan Freeway. Improvements include the installation of 4,700 lineal feet of 42-inch and 8,000 lineal feet of 36-inch gravity sewer line.

Additionally, this project installs approximately 7,875 lineal feet of E-Streets conduit and vault infrastructure in support of the East Mesa Loop. The cost of \$260,650.00 will be

funded with General Fund. Lease-purchase financing being handled by the Financial Services Division.

Recommend award to low bidder T&T Construction, Inc., in the amount of \$2,978,800.00 plus an additional \$297,880.00 (10% allowance for change orders) for a total award of \$3,276,680.00.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Thom-Rawles-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

8q. Downtown Parking Lots, City of Mesa Project #04-912-001.

This project will install asphalt pavement in the vacant lots at the northwest corner of Sirrine Street and 1<sup>st</sup> Avenue, and slurry seal the vacant lots on the southeast corner of Drew Street and 1<sup>st</sup> Avenue and the southeast corner of Macdonald Street and 1<sup>st</sup> Avenue.

Recommend award to low bidder Visus, Inc., in the amount of \$447,850.00 plus an additional \$44,785.00 (10% allowance for change orders) for a total award of \$492,635.00.

It was moved by Councilmember Thom, seconded by Councilmember Jones, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

8r. Downtown Parking Lot Lighting, City of Mesa Project No. 04-912-002.

This project will improve lighting conditions at the municipal parking lots. Improvements include upgrading existing equipment and the installation of new pole-mounted light fixtures and surface-mounted lighting in canopies.

Recommend award to low bidder Kimbrell Electric, Inc., in the amount of \$184,813.71 plus an additional \$18,481.37 (10% allowance for change orders) for a total award of \$203,295.08.

It was moved by Councilmember Rawles, seconded by Councilmember Thom, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

\*8s. Serrine Parking Garage Lighting, City of Mesa Project No 04-912-003.

This project will improve lighting conditions in the Serrine Parking Garage and the new parking lot on the northwest corner of Serrine Street and 1<sup>st</sup> Avenue.

Recommend award to low bidder AV Electric Company, Inc., in the amount of \$189,888.20 plus an additional \$18,988.82 (10% allowance for change orders) for a total award of \$208,877.02.

\*8t. Municipal Building Remodel, City of Mesa Project No. 02-415-002.

This project will allow the Building Safety and Financial Services Divisions to expand their operations into the space where Planning vacated and make other necessary improvements.

Recommend award to low bidder SDB, Inc., in the amount of \$2,241,332.52 plus an additional \$224,133.25 (10% allowance for change orders) for a total award of \$2,465,465.77.

\*8u. Baseline Interceptor Siphon Sewage Lift Station Equipping, City of Mesa Project No. 03-083-002.

This project will install a new duplex pumping system in an existing wet well including associated piping valves, electrical controls, and other work as needed to enable flow in the 54-inch sewer line to be diverted and pumped into the 33-inch sewer line thus utilizing the City's capacity.

Recommend award to low bidder, Highland Engineering, LLC, in the amount of \$471,750.00 plus an additional \$47,175.00 (10% allowance for change orders) for a total award of \$518,925.00.

9. Introduction of the following ordinances and setting June 20, 2005, as the date of public hearing on these ordinances:

- \*9a. Modifying rates for the following utility services:
  - 1. Water
  - 2. Wastewater
  - 3. Natural Gas
  - 4. Solid Waste - Residential
  
- \*9b. Amending Title II, Chapter 2 of the Mesa City Code by revising Housing and Human Services Advisory Board to Human Services Advisory Board, adding meetings section and amending all references to Housing Services.
  
- \*9c. Creating a Housing Advisory Board, providing for the appointment of members thereon and defining the powers and duties of the Board; amending the Mesa City Code by adding to Title II a new Chapter 24; establishing an effective date.
  
- \*9d. Amending Title II, Chapter 23 of the Mesa City Code; Mesa Housing Services Governing Board by revising Housing and Human Services Advisory Board to the Housing Advisory Board.
  
- 9e. Amending Title 6, Chapter 15, Sections 3 (E), 6 (A), and 20 (B) of the Mesa City Code; pertaining to alarm business duties, alarm user permit requirements, and false alarms; penalty assessments and permit revocation.

Councilmembers Whalen and Jones declared potential conflicts of interest and said they would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the above-referenced ordinance be introduced and that June 20, 2005 be set as the date for public hearing.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Rawles-Thom-Walters  
NAYS - None  
ABSTAIN - Jones-Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

- \*9f. **Z05-59** (District 5) 5646 East Main Street, Suite 5. Located west of Recker Road and north of Main Street (13,000 s.f.). Council Use Permit. This request is to allow the development of a charter school within a commercial zoning district.

P & Z Recommendation: Approval. (Vote 4-0-3 (Saemisch, Esparza, and Carpenter absent))

- \*9g. Amending Title 1, Chapter 12, Section 1-12-5, of the Mesa City Code relating to waiver of fees, and adding a new Section 1-12-9 relating to a Court Capital Construction Fee.

10. Consider the following resolutions:

- \*10a. Authorizing the City Manager to execute an Agreement between the City of Mesa and the Arizona Automobile Theft Authority to acquire funds to purchase equipment for proactive auto theft investigation – Resolution No. 8485.
- \*10b. Authorizing the City Manager to execute an Agreement between the City of Mesa and the Arizona Automobile Theft Authority to acquire funds to purchase equipment and fund overtime for auto theft prevention and education in the City of Mesa – Resolution No. 8486.
- \*10c. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Automobile Theft Authority to acquire funds to purchase equipment and fund overtime for proactive auto theft investigation in the City of Mesa – Resolution No. 8487.
- 10d. Authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County and other participating jurisdictions for continued participation in the Maricopa HOME Consortium – Resolution No. 8498.

Mayor Hawker stated that Councilmember Thom requested that this item be removed from the consent agenda.

Councilmember Thom commented that the Maricopa HOME Consortium is the vehicle by which the City is provided Federal funding for items such as the Emergency Shelter Services Program. She noted, however, that such funding is also utilized to purchase real estate that the City “turns over” to nonprofit organizations, which has been a source of concern for many of her constituents.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Resolution No. 8498 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Walters-Whalen  
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8498 adopted.

- 10e. Approving the final assessments for the Power Road Scalloped Street Assessment Project #00-043.1.

This project installed street improvements along North Power Road from East Adobe Road to East McKellips Road.

Mr. Friedline recommended that this matter be continued to the June 20, 2005 Regular Council Meeting.

It was moved by Councilmember Rawles, seconded by Councilmember Whalen, that this agenda item be continued to the June 20, 2005 Regular Council meeting.

Carried unanimously.

- \*10f. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement for the reimbursement of regional offsite improvements that are being required by Mesa, in conjunction with the proposed commercial development known as QuikTrip #404, located at 9229 East University Drive – Resolution No. 8488.
- \*10g. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement for the reimbursement of regional offsite improvements that are being required by Mesa, in conjunction with the proposed commercial development known as Arizona Footwear, located at 1611 East Main Street – Resolution No. 8489.
- \*10h. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement for the reimbursement of regional offsite improvements that are being required by Mesa, in conjunction with the proposed commercial development known as Shell Commercial Building, located at 1152 East Broadway Road – Resolution No. 8490.
- \*10i. Approving and authorizing the City Manager to execute an agreement between the State of Arizona Department of Transportation and the City of Mesa for landscape enhancements and maintenance along the Red Mountain Freeway, from Higley Road to Power Road (ADOT JPA 02-026) – Resolution No. 8491.
- \*10j. Authorizing the City Manager to execute an agreement between the Arizona Department of Public Safety and the City of Mesa for the purpose of obtaining criminal background information on massage licensee applicants – Resolution No. 8492.
- \*10k. Moved to Item #9g.
- \*10l. Modifying Parks and Recreation Division fees – Resolution No. 8493.
- 10m. Modifying the Library fees – Resolution No. 8499.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the Library Processing Fee (replace lost materials) be increased from \$3.00 to \$5.00; that the Library Collection Fee (collection agency charge) be increased from \$10.00 to \$15.00; and that the Library Copies/downloads be increased from \$.10 to \$.20.

Carried unanimously.

It was moved by Mayor Hawker, seconded by Councilmember Rawles, that the Library charge \$1.00 for the service of placing books on hold, and an additional \$.50 for hold items not picked up.

Upon tabulation of votes, it showed:

AYES - Hawker-Rawles-Griswold  
NAYS - Jones-Thom-Walters-Whalen

Mayor Hawker declared the motion failed for lack of a majority vote.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that the recommendation of staff that the Library charge \$.50 for hold items not picked up, be approved.

Upon tabulation of votes, it showed:

AYES - Jones-Thom-Walters-Whalen  
NAYS - Hawker-Griswold-Rawles

Mayor Hawker declared the motion carried by majority vote and that Resolution No. 8499 (which encompasses all of the above-referenced fees and charges) adopted.

- \*10n. Modifying the Commercial Facilities Division fees – Resolution No. 8494.
- \*10o. Approving and authorizing the City Manager to execute a pre-annexation agreement between GBGM 240 Limited Partnership and the City of Mesa for the area known as Nova Vista – Resolution No. 8495.
- \*10p. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa to support the provision of weatherization services provided through Mesa Community Action Network – Resolution No. 8496.
- 10q. Approving and authorizing the expenditure of funds for embedded track for the Valley light rail transit project – Resolution No. 8500.

It was moved by Mayor Hawker, seconded by Councilmember Whalen, that Resolution No. 8500 be adopted.

Mayor Hawker expressed support for the motion. He stated that the expenditure, in the long-term, would be beneficial to the City, the business owners located adjacent to the light rail track, and also foster transit oriented development along the rail line.

Councilmember Rawles commented that because he is opposed to the light rail transit project in its entirety, he would vote no on the motion.

Councilmember Griswold stated that as a result of Mesa's ongoing budget concerns, he would prefer that the City use the ballasted track and save \$2 million in projected expenditures for the embedded track.

Councilmember Thom commented that at a previous Study Session when this item was discussed, she had suggested that perhaps Phoenix, who loaned Mesa a portion of its Congestion Mitigation and Air Quality (CMAQ) funds, would be willing to forgive the City for repayment of those monies in order for Mesa to make up the cost difference between the ballasted and embedded track. She stated that she has yet to hear a response from staff regarding her suggestion and noted that in her opinion, she foresees the light rail project as "an enormous waste of taxpayers' dollars."

Vice Mayor Walters explained that when this issue first came to the Council a year ago, she voted for the ballasted track because Mesa took a very conservative approach to the project and whether it would be a successful mode of transportation. She noted that by Mesa buying a mile, it could buy the entire system. Vice Mayor Walters stated that since that time, the City's initially projected costs are now significantly less due to the passage of Proposition 400. She stated the opinion that it is appropriate to proceed with the embedded track and added that she does not want to harm the image of the businesses located near the rail line. Vice Mayor Walters further acknowledged Phoenix for their generous interest-free loan to Mesa and stated that Phoenix has gone "above and beyond" what a neighboring community would be expected to do.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Walters-Whalen  
NAYS - Griswold-Rawles-Thom

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8500 adopted.

11. Consider a resolution and ordinance modifying utility deposit fees – Resolution No. 8501 and Ordinance No. 4413.

It was moved by Councilmember Jones, seconded by Councilmember Rawles, that Resolution No. 8501 and Ordinance No. 4413 be adopted.

Carried unanimously.

12. Consider the following ordinance:

- \*12a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4401:

No Parking: 10-3-24 (D) (Full Time No Parking)

On the north side of Hope Street from Lindsay Road to the east leg of Hale Street (west of Lindsay Road and north of Brown Road.) Council District 1.

On the east side of Parkcrest from Broadway Road to a point 222 feet south of Broadway Road (east of Greenfield Road and south of Broadway Road.) Council District 6.

No Parking: 10-3-24 (F7) (No Parking between 8:00 am and 5:00 pm, Monday – Friday)

On the south side of Hackamore Street from Gilbert Road to a point 284 feet east of Gilbert Road and on the north side of Hackamore Street from Gilbert Road to a point 251 feet east of Gilbert Road (east of Gilbert Road and north of Brown Road.) Council District 1.

13. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- \*13a. **Z05-41 (District 1)** The 1700 block of North Lindsay Road (west side) Located south of McKellips Road and west of Lindsay Road (1.07 ac). Rezone O-S to C-2 and Site Plan Modification. This request is to allow inline retail. Russ Watson, Sterling Realty Group, owner; Sean Lake, Pew & Lake, P.L.C. – Ordinance No. 4402.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.

- \*13b. **Z05-42 (District 1)** The 2700 block of East McKellips Road (south side) Located south of McKellips Road and west of Lindsay Road (11.92 ac). Site Plan Modification – Ordinance No. 4403.

This request is to allow Wal-Mart Neighborhood Market and inline retail. Russ Watson, Sterling Realty Group, owner; Sean Lake, Pew & Lake, P.L.C.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.

- \*13c. **Z05-43 (District 1)** The 800 block of South Greenfield Road (west side). Located north of Southern and west of Greenfield Road (1.8 ac). Rezone from O-S to R1-35. This request is to allow two single residential lots. Ross N. Farnsworth, owner; Tim Nielson, applicant – Ordinance No. 4404.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Regulations.

- \*13d. **Z05-44 (District 6)** 14403 and 14435 South Power Road. Located south of Ray Road and east of Power Road (5± ac). Rezone from R1-43 to C-2 and M-1. This request is to establish commercial and industrial zoning districts. Jesse & Ann Udall, Dwight & Jori Udall, owners; Wayne Balmer, City of Mesa, applicant – Ordinance No. 4405.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
6. Construct a six-foot masonry screening fence, at the 98' point from the center of Power Road. This distance aligns with the existing masonry screening wall of the neighboring parcel directly north. This screening wall would run from the inside of the north entry gate to the inside of the south entry gate. This would amount to approximately 362' of screening fence.
7. Continue using the existing automatic entry gate at the north end of parcel 304-37-017 and erect an entry gate at the south end of parcel 304-37-018, and continue the existing fence of the north entry gate to the south entry gate.
8. Installation of limited paving off of Power Road to accommodate entrance and exit on Power Road.
9. Clean up the west side of the screening wall and relocation of materials to the east side of the screening wall.

- \*13e. **Z05-48 (District 6)** 14207 South Power Road. Located south of Ray Road and east of Power Road (4± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. John Gaines Trust ETAL (Ricky Fowler), owners; Wayne Balmer, City of Mesa, applicant - Ordinance No. 4406.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.

- \*13f. **Z05-49 (District 6)** 14247 South Power Road. Located south of Ray Road and east of Power Road (2.74± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Mark L. & Vicki L. Talbot, owners; Wayne Balmer, City of Mesa, applicant – Ordinance No. 4407.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.

- \*13g. **Z05-50 (District 6)** 14223 South Power Road. Located south of Ray Road and east of Power Road (1.3 ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Southwest Auto Care, LLC (Mike Cahill), owner; Wayne Balmer, City of Mesa, applicant – Ordinance No. 4408.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.

- \*13h. **Z05-51 (District 6)** 14215 South Power Road. Located south of Ray Road and east of Power Road (0.78 ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Joseph Kestner, owner; Wayne Balmer, City of Mesa, applicant – Ordinance No. 4409.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.

- \*13i. **Z05-52 (District 6)** The 14000 block of South Power Road. Located at the southeast corner of Ray Road and Power Road (4± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Robert & Julie Galvin, owners; Wayne Balmer, City of Mesa, applicant – Ordinance No. 4410.

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Esparza absent)

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.

- \*13j. **Z05-45 (District 6)** The 1100 block of South Ellsworth Road (west side). Located north of Southern Avenue and west of Ellsworth Road (3.37 ac). Rezone from Maricopa County Rural 43 and C-2 to City of Mesa R1-43 and C-2. This case is to establish City zoning on recently annexed property. City of Mesa (northern parcel), Cynthia Taylor Trust (southern parcel), owners; City of Mesa Real Estate Division, applicant – Ordinance No. 4411.

P&Z Recommendation: Approval. (Vote: 6-0 with Esparza absent)

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

- \*13k. **Z05-46 (District 6)** The 3800 block of South Mountain Road (west side). Located south of Elliot Road and east of Signal Butte Road (14.86 ac). Rezone from Maricopa County R1-8 PD to City of Mesa PF. This case is to establish City zoning on recently annexed property. Gilbert Unified School District, owner; G. Keith Vaughan, Planning and Development Director, Gilbert Public Schools, applicant – Ordinance No. 4412.

P&Z Recommendation: Approval. (Vote: 6-0 with Esparza absent)

1. Compliance with all City development codes and regulations.

14. Consider the following subdivision plat:

14a. "RIVER WALK APARTMENTS" (District 6) – 5500 block of East Broadway Road (south side) located south of Broadway Road and east of Higley Road. 6 R-2 PAD four-plex buildings (2.0287 ac) John Bellerose, owner; Allen Consulting Engineers, Inc., engineer.

Councilmember Whalen declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Jones, seconded by Councilmember Thom, that the above-referenced subdivision plat be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters  
NAYS - None  
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

15. Items from citizens present.

There were no items from citizens present.

16. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:15 p.m.

\_\_\_\_\_  
KENO HAWKER, MAYOR

ATTEST:

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 6<sup>th</sup> day of June 2004. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK